

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RICHARD RUBIN BOWMAN,

Petitioner,
v. Civil Action No. 3:23CV172

UNKNOWN,

Respondent.

MEMORANDUM OPINION

Petitioner, a federal prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Memorandum Order entered on March 27, 2023, the Court explained as follows:

“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and *file the petition in the district of confinement.*” *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)). Petitioner is currently detained in the Federal Correctional Institution in Butner, North Carolina. Thus, it appears that Petitioner’s 28 U.S.C. § 2241 petition should be filed in the Eastern District of North Carolina, not in this Court.

(ECF No. 2, at 1.) Nevertheless, the Court explained that in the United States District Court for the Eastern District of Virginia, all *pro se* petitions for writs of habeas corpora must be filed on a set of standardized forms. *See* E.D. Va. Loc. Civ. R. 83.4(A). Accordingly, the Court mailed Petitioner the standardized form for filing a § 2241 petition and directed him to complete and return the form within thirty (30) days if he wished to proceed with the action in this Court. The Court further explained that, if Petitioner failed to complete and return the form within that time, the Court would dismiss the action. *See* Fed. R. Civ. Pr. 41(b). The Court also warned Petitioner that, if appropriate, the Court would transfer the § 2241 petition to the appropriate jurisdiction.

More than thirty (30) days have elapsed, and Petitioner has not completed and returned the standardized form. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: *4 May 2023*
Richmond, Virginia

/s/
John A. Gibney, Jr.
Senior United States District Judge 